

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAVIER ROBLES, D-1,  
MIGUEL GARCIA, D-4, and  
DAVID GARCIA, D-10,

Defendants.

Case No. 2:16-cr-20582  
Honorable Laurie J. Michelson

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**ORDER GRANTING IN PART AND DENYING IN PART MOTION TO  
SUPPRESS [200, 201]**

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Defendants Javier Robles, Miguel Garcia, and David Garcia have been indicted for conspiring to traffic in controlled substances in violation of 21 U.S.C. §§ 841, 846. (See R. 110, PageID.349–350.) Robles and Miguel Garcia (but not David) have also been indicted for conspiring to launder monetary instruments in violation of 18 U.S.C. § 1956(a), (h). (See R. 110, PageID.351.)

On the eve of trial, it came to light that some of the Government's evidence against the Defendants in this case might be derivative of certain Riverside County, California wiretaps. As reported by the media, the legality of these wiretaps have come into question. *See e.g.*, Brad Heath and Brett Kelman, *Justice Officials Fear Nation's Biggest Wiretap Operation May Not be Legal*, Nov. 11, 2015, available at <https://www.usatoday.com/story/news/2015/11/11/dea-wiretap-operation-riverside-california/75484076/>.

Defendants thus moved to suppress evidence. Via joint motion, Robles and David Garcia argued that the wiretaps were unlawfully issued and that any evidence derived from the wiretaps

must be suppressed. (*See generally* R. 200, 216, 230, 232.) Miguel Garcia, via his own motion to suppress, joined Robles and David Garcia's motion. (R. 201, PageID.875.)

Over the course of several days, the Court conducted a hearing on the Defendants' motions. The hearing included testimony from Special Agent Chad Hermans, Special Agent Austin Roseberry, and Frank Scartozzi, a Financial Analyst Investigator. (R. 226, 227.) The Court also reviewed a summary of Special Agent Paul Tajii's interview and a summary of Pasadena Police Corporal Robert Dubois' interview. (R. 229.) The Court also heard oral argument. And it reviewed the parties' supplemental briefs. (R. 216, 217, 229, 230, 231, 232.) Having been fully advised, the Court GRANTS IN PART and DENIES IN PART Defendants' motions (R. 200, 201) as explained in detail on the record on November 16, 2018.

SO ORDERED.

s/Laurie J. Michelson  
LAURIE J. MICHELSON  
UNITED STATES DISTRICT JUDGE

Date: November 19, 2018

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, November 19, 2018, using the Electronic Court Filing system.

s/William Barkholz  
Case Manager